INTERIM REPORT
to the
HOUSE OF ASSEMBLY
of the
SPECIAL COMMITTEE
ON
RULES AND PROCEDURES
of the
HOUSE OF ASSEMBLY

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Special Committee

The Special Committee on Assembly Matters was established by the House of Assembly by Resolution on April 19, 1985 and continued on the 14th day of March, 1986. The members of the Committee are:

The Honourable Arthur R. Donahoe, Q.C., Chairman
The Honourable Roland J. Thornhill
The Honourable Ronald S. Russell
Donald Cameron, M.L.A.
Dr. R. Colin D. Stewart, M.L.A.
Mrs. Cora Etter, M.L.A.
Mr. Neil LeBlanc, M.L.A.
Mr. Vincent J. MacLean, M.L.A.
Dr. J. William Gillis, M.L.A.
Mrs. Alexa McDonough, M.L.A.

The Honourable Arthur R. Donahoe, Q.C. was appointed Chairman of the Committee. Dr. Henry F. Muggah, Q.C., Chief Clerk of the House and Graham D. Walker, Q.C., Chief Legislative Counsel, were appointed Secretaries to the Committee. Mr. Rod MacArthur, Assistant Clerk, also assisted in its work.

Terms of Reference

The terms of reference of the Special Committee are more particularly set forth in the Resolution passed by the House. A copy of that Resolution is attached hereto and marked "A". In short, the Special Committee was directed to study the Rules and Forms of Procedure of the House of Assembly, its committee structure, the role of the Private Member in the House and the administration and management of the House of Assembly.

Meetings

The Committee has met on the following dates:

May 15, 1985
July 2, 1985
September 18, 1985
October 23, 1985
April 8, 1986
April 15, 1986
April 22, 1986
April 29, 1986
May 6, 1986
May 12, 1986
May 15, 1986

Approach

Rules and procedures reform can be accomplished only by adoption by a package of changes generally acceptable to those involved in the process. The Committee recognizes that, in general, its deliberations should be open and conducted in public view. This does not mean, however, that there may not be occasions when it is necessary for the Committee, in order to achieve the necessary compromise, to hold certain discussions in camera. Recognizing that the most meaningful and most broadly acceptable reforms will be achieved if there is participation by all parties in the House, the Legislature, in establishing the Committee, named members from all recognized parties in the House to the Special Committee.

Internship Programme

In 1985 the Special Committee agreed to adoption of a Legislative Internship Programme. This Programme was first recommended by a Resolution passed in the House on April 6, 1983. The Programme, which is now in place, provides opportunities for graduates from universities in the Province or residents of the Province who are graduates of other universities, to gain a practical exposure to the administrative and legislative process.

The Internship Programme begins with an orientation phase in which interns are briefed by administrative, legislative, and political officials. The orientation phase is designed to provide each in turn with a comprehensive overview of the Provincial Government.

In the second phase of the Programme, each intern is assigned to one of the Party caucuses. The purpose of this assignment is to give interns some direct practical experience in the daily routine work of the members of the Legislative Assembly.

In addition to the above assignments, interns have an opportunity to meet with a number of officials who are experts in certain aspects of public affairs.

Simultaneously, interns participate in an academic programme. The interns are required to complete assignments and to contribute to seminars. The interns are required to submit written reports to the Programme Director at various points during their internship.

Finally, the Programme attempts to provide an opportunity for interns to travel to other jurisdictions.

Candidates must either be recent graduates of the universities of Nova Scotia or be residents of Nova Scotia and recent graduates of a Canadian university. Candidates must hold, by the date of the commencement of their Programme, a degree in arts or business administration with honours in one of the following academic disciplines: Political Science, History, Sociology, Economics, or Geography. Applicants from the latter four disciplines must possess a good working knowledge of the Canadian political process. In all cases, a good academic record is a prerequisite. Applications will also be accepted from students enrolled in graduate programmes in the disciplines mentioned

above, as well as Public Administration and Law. Candidates must demonstrate a strong academic and professional interest in the Provincial governmental process. Personal maturity, a non-partisan approach, and the ability to communicate effectively are definite assets.

Successful candidates must be prepared to accept all assignments in the Programme. Successful completion of each phase of the Programme is a prerequisite to progression to the next phase. Candidates offered a place in the programme must forward their acceptance to the Director by July 1st or forfeit their internship. Tenure is normally for six months, commencing on or about the first day of January and terminating on or about the thirtieth day of June. An internship is non-renewable. A monthly stipend is provided. Each intern must complete all reports assigned by the Director by the established due dates.

As mentioned above, the Programme is now in place and four interns have been carrying out their duties since January, 1986. An evaluation of the information available to date leads the Committee to the view that the Programme thus far has been beneficial to both the interns and the members of the Legislature. The Committee recommends that the Programme be continued in 1987.

The Committee wishes to record its thanks to Professor Agar Adamson of Acadia University for his valuable input into the finalization of the Internship Programme, and for agreeing to serve as its first Academic Director.

McKay-White Commission

An example of the willingness of members to co-operate on a matter of interest to all members of the Legislature is illustrated by the decision of the Special Committee at its meeting on October 23, 1985, to make a joint submission to the McKay-White Commission of Inquiry, which was appointed pursuant to the House of Assembly Act, to consider and report on indemnities, allowances and salaries paid pursuant to the House of Assembly Act. The Committee determined that as a result of its review of the Committee system of the House, certain matters should be brought to the attention of the Commission of Inquiry. The Chairman was directed to bring to the attention of the Committee its view that

(a) a separate payment to a member for serving on a Standing Committee be eliminated;

(b) the indemnity paid to a member be increased to include the average amount paid during the 1984 Session to members for service on Standing Committees;

(c) any overall increase in the indemnity (inclusive of the average Standing Committee fee paid during 1984) should not exceed any increase in the cost of living;

(d) a payment be made to members of a Standing Committee on a per diem basis for attendance at committee meetings when the committee meets when the House is not sitting or if the committee meets outside the Halifax metropolitan area;

(e) Section 30 of the Regulations made by the Legislature Internal Economy Board is inadequate in respect of the amount authorized for reimbursement for constituency expenses. (An example of such an expense is the case of a member who has several telephone exchanges in his constituency and must incur substantial long distance charges to deal with problems raised by constituents.)

Television in the House

The Special Committee extended an invitation to the President of the Nova Scotia Legislature Press Gallery to appear before the Special Committee to examine the matter of television coverage of proceedings of the House of Assembly and its committees. Mr. Robert Rankin, the President of the Nova Scotia Legislature Press Gallery appeared before the Special Committee on April 22, 1986, and presented the viewpoint of the Press Gallery in support of the introduction of television coverage of the proceedings of the House. As a result of that appearance, the Chairman of the Special Committee has requested that Mr. Rankin discuss with the appropriate officials of both ATV and CBC the question of a technical survey to determine the feasibility of the installation of cameras which could provide television coverage of House proceedings. The Special Committee requires this technical survey in order to enable its members to make an informed decision on any recommendation it might make to the Legislature on this subject. It is hoped that the survey will include information concerning estimates of the costs of putting in place any installation which might be proposed and that the cost of the study will be borne by the networks concerned.

Committee Structure

By letter dated August 28, 1985, the Chairman of the Special Committee raised with the members of the Committee certain questions concerning "committees". These questions would involve a discussion of the following matters:

1. Is there an optimum size for committees?

2. What arrangements should be permitted for substitution of members on committees?

3. What arrangements should be made for staffing committees?

4. In what manner should the Chairman of a committee be chosen?

5. What terms of reference should committees have?

6. In what manner should committees be able to influence government policy?

7. Should there be a requirement that committees report to the Legislature regularly?

8. Should committees be permitted to sit while the House is not in session?

9. Should the proceedings of committees be televised?

10. Should cabinet ministers be members of Legislature committees?

The Special Committee has not had an opportunity to complete a comprehensive review of the committee structure. It does, however, have two specific recommendations, namely,

(1) that annual reports be permitted to be tabled with the Chief Clerk of the House when the House is not sitting; (At the present time, such reports must be tabled in the House itself.)

(2) that there be a Committees Branch in the office of the Chief Clerk to provide staffing, particularly, secretarial assistance to committees. (The Committee believes the organization and delivery of support services to committees would be improved by the creation of a Committees Branch with the office of the Clerk.)

Conclusion

The Committee believes that reform of the committee structure of the House is called for and that recommending appropriate changes is one of the most important parts of its mandate. Other Canadian legislatures, including particularly Quebec and Ontario have changed their committee structures in recent years and have conducted extensive reviews prior to doing so. Modifications have also been made in the committee structure of the House of Commons in Ottawa. The Committee is of the view that much useful information can be gathered by reviewing changes made in other jurisdictions to determine which of these, if any, are appropriate to the Nova Scotia Legislature.

Some members of the Committee are of the view that the Legislature should meet in both Spring and Fall sessions, with fixed opening and closing dates. The Committee has not reached a conclusion regarding the advisability of this proposal, but will be considering the suggestion at future meetings.

It is also the intention of the Committee to invite input from the public into the process of review of the Rules and Forms of Procedures of the House of Assembly. Although public interest in the internal mechanisms of the House is probably not high, the Committee's view is that interested members of the public should have an opportunity to present their views with respect to reform of the Rules. Accordingly the Committee intends to hold a public hearing later in 1986.

Your Committee has agreed on a number of changes to the Rules. These are set forth in an appendix marked "B" to this Report and your Committee urges the House to implement these recommended changes before the end of the current Session in order that these changes will be in place at the start of the Third Session of the Fifty-Fourth General Assembly.

Your Committee further recommends that the Legislature Internal Economy Board be composed of the Speaker of the House of Assembly, the Government House Leader, the Minister of Finance, the Chairman of the Management Board, the Deputy Speaker, the Chairman of the Government Caucus and one member from the Caucus of each of the recognized opposition parties, such member to be chosen by each such Caucus. Implementation of this recommendation requires a change to Section 47 of the Public Service Act. Your Committee therefore recommends that the Government give consideration to the advisability of introducing the necessary legislation to give effect to this recommendation.

All of which is respectfully submitted,

ARTHUR R. DONAHOE, Q.C.
Chairman,
Special Committee on the Rules and Forms of Procedure of the House of Assembly

APPENDIX "A"

BE IT RESOLVED THAT:

(a) This House declare pursuant to the House of Assembly Act that a Special Committee be established to examine the rules, procedures, practices, organization and facilities of the House of Assembly and the provisions for support services and facilities for the Members and that such examination include but not be limited to the following matters:

(i) the Rules and Forms of Procedure of the House of Assembly adopted by the House on May 26, 1980 and amended by the House on March 6, 1981, March 25, 1983 and March 22, 1984;

(ii) the procedures and powers of committees of the House of Assembly, the role and use of such committees and the method of payment for service on such committees;

(iii) the role of the Private Member in the House of Assembly;

(iv) implementation of Resolution 131, respecting a legislative internship program, adopted unanimously by the House of Assembly on the thirty-first day of May, 1983;

(v) the legislative process;

(vi) television coverage of the proceedings of the House of Assembly and its committees; and

(vii) the administration and management of the House of Assembly;

FURTHER BE IT RESOLVED THAT:

(b) the Special Committee report to this House from time to time concerning its program and recommendations concerning the matters referred to it;

(c) notwithstanding the usual practices of this House, if the House is not sitting when an interim or final report of the Committee is completed that the Committee report its findings by depositing its report with the Clerk of the House and it shall thereupon be deemed to have been laid upon the Table;

(d) the Committee be authorized to include in interim or final reports drafts of proposed permanent or temporary changes in the Rules and Forms of Procedure of the House of Assembly drawn to give effect, if concurred in by the House, to any permanent or temporary change or changes proposed by the Committee;

(e) the Committee be authorized to include in its interim or final reports recommendations as to the implementation of any reforms proposed in the reports of the Committee;

(f) the House declare, pursuant to the House of Assembly Act, that the Special Committee be composed of the Honourable Arthur R. Donahoe, Q.C. and such Members as the Striking Committee shall determine not to exceed a further nine in number, six of whom shall be Members of the Government party, two of whom shall be Members of the Official Opposition and one of whom shall be a Member of any recognized party in the House, with the Honourable Arthur R. Donahoe, Q.C. as Chairman of the Special Committee;

(g) this House declare pursuant to Section 37A of the House of Assembly Act that the Special Committee be authorized to continue its inquiry after the House is prorogued;

(h) notwithstanding the House of Assembly Act or any Rules of the House, the Special Committee of the House be empowered to examine and inquire into all such matters and things as may be referred to the Committee by this House and from time to time report to this House the observations and opinions of the Committee respecting matters and things referred to the Committee and the Committee be further empowered to send for and examine witnesses, papers and records, and to extend to any witness the protection of this House;

(i) the Special Committee be empowered to meet outside of the Province touching on matters pertaining to its study, review and recommendation;

(j) all the powers and privileges under the House of Assembly Act and amendments thereto and the Rules of the House applicable to Standing and Select Committees while the House is in Session shall apply and be of full force and effect during the sittings of the Special Committee;

(k) this House do authorize the Legislature Internal Economy Board on behalf of the Special Committee to employ such members and staff as may be necessary to enable the Special Committee to carry out its duties; and,

(l) this House declare that the Legislature Internal Economy Board be authorized to provide the Special Committee, its members and staff with such facilities and funds as are required to carry out their duties and as are provided for by and pursuant to Section 50 of the Public Service Act.

APPENDIX "B"

The Special Committee recommends that the Rules and Forms of Procedure of the House of Assembly (references to pages and lines of the Rules are to Rules as printed by the Queen's Printer in 1984) be amended in the manner set out below and that these changes apply to the 3rd Session, 54th General Assembly and subsequent Sessions until changed:

Rule 3 - Page 2

1 **(1)** Paragraph (1) of Rule 3 is amended by

(a) striking out the word "three" in the third line thereof and substituting therefor the word "two";

(b) striking out the word "twelve" in the fifth line thereof and substituting therefor the word "eleven".

(2) Paragraph (2) of Rule 3 is amended by striking out the word "three" in the fifth line thereof and substituting therefor the word "two".

Rule 4 - Page 3

2 Paragraph (2) of Rule 4 is amended by striking out the word "first" in the fifth line thereof.

Rule 5 - Page 6

3 Paragraph (11) of Rule 5 is repealed.

Rule 17 - Pages 15 and 16

4 **(a)** Paragraph (2) of Rule 17 is amended by striking out, under the heading MONDAY AND FRIDAY, the order of business "PRIVATE AND LOCAL BILLS FOR SECOND READING" and substituting therefor the order of business "PRIVATE AND LOCAL BILLS".

Rule 19 - Page 17

5 Rule 19 is amended by striking out the words "and PRIVATE MEMBERS PUBLIC BILLS" in the last two lines thereof.

Rule 20 - Page 17

6 Rule 20 is amended by

(a) renumbering paragraph (2) thereof as paragrah (3); and

(b) adding immediately following paragraph (1) thereof the following paragraph:

(2) Notwithstanding paragraph (1), debate under the order of business PRIVATE MEMBERS PUBLIC BILLS shall not be for more than one hour and upon termination of that one hour no question shall be put.

Rule 21 - Page 18

7 The header immediately preceding paragraph (2) of Rule 21 is struck out and the header "Expiry of Time Allotted" substituted therefor.

Rule 30 - Page 23

8 Paragraph (2) of Rule 30 is amended by striking out all the words immediately following the semi-colon in the fourth line thereof and substituting therefor the following words "and the question shall be published in the Report of the Debates and Proceedings of the House on the day following the day it is filed with the Clerk".

Rule 31 - Page 24

9 Paragraph (1) of Rule 31 is repealed and the following paragraph substituted therefor:

31 (1) On the order of the day ORAL QUESTIONS PUT BY MEMBERS TO MINISTERS being read on a Tuesday, Wednesday and Thursday, oral questions asking for information or action may be put without notice to Ministers of the Crown for not more than one hour on a Tuesday and Thursday and for not more than one hour and thirty minutes on a Wednesday; and any such questions shall be concisely put and shall relate only to matters for which a Minister is officially responsible.

Rule 32 - Page 25

10 Paragraph (2) of Rule 32 is repealed and the following paragraphs substituted therefor:

(2) Notwithstanding paragraph (1), on the order of the day "NOTICES OF MOTION" being read, a Member may give not more than two notices of motion for a resolution of the House orally in the House on a sitting day.

(3) A Member may give any number of notices for a resolution or order of the House in writing on a sitting day by depositing the same with the Chief Clerk before the sitting of the House and each such notice shall be published in the Report of the Debates and Proceedings of the House for that day, and be placed under the appropriate Order of the Day.

Rule 34 - Page 25

11 Paragraph (1) of Rule 34 is amended by adding immediately following the word "motions" in the first line thereof the words "and amendments".

New Rule

12 Rule 60 is amended by renumbering paragraphs (3), (4) and (5) as (4), (5) and (6), respectively, and adding immediately following paragraph (2) thereof the following paragraph:

> (3) The Chairman of the Public Accounts Committee shall be chosen by the Members of the Public Accounts Committee at its first meeting after the commencement of each Session of the Legislature from among such Members of the Committee as are Members of the official opposition.

Rules 66, 67 and 68 - Pages 47 and 48

13 Rules 66, 67 and 68 are repealed and the following Rule substituted therefor:

> 66 The Private and Local Bills Committee, in determining whether or not approval should be given to the favourable recommendation of a Private or Local Bill to the House, shall consider whether the objects to be achieved by enactment of the Bill can be achieved pursuant to the general legislation of the Province.